(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION No. 1019/ 2002

PETITIONER : Abdul Rashid,
S/o Abdul Hafiz,
R/o Surajpur Distt. Surguja (C.G.)

VERSUS

RESPONDENTS :

1. Union of India
Through - Secretary
Petroleum & Natural Gas,
Shastry Bhawan, New Delhi.
2. Indian Oil Corporation Ltd.,
Through: Managing Director,
Having its Regd. Office at
Aliyavar Jung Marg, Bandra East
Mumbai (M.S.)
3. Zonal Manager,
Indian Oil Corporation Ltd.,
Near Jail Bhawan,
Bhopal (M.P.)

P.F. No. 9/5/02
Presented by Shri Vinod Sethiya
dated 02.05.02

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(45)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.1019 of 2002 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	23-1-2004 On mention being made by counsel for respondents No.2 & 3 the matter is taken up. Shri Prashant Mishra Counsel for the petitioner. Shri Vinay Harit, Senior Central Government Standing Counsel for respondent no.1. Shri Bhishm Kinger, counsel for respondents no.2 & 3. Heard. Return has been filed by respondents no.2 & 3 in which it has been stated that the location was advertised on 11.10.1985 and interviews were held by the Selection Board at Raipur on 24/25-5-1990. It is also stated that on the basis of the field investigation, the Selection Board recommended to issue the Letter of Intent (LoI) in favour of the petitioner. Paragraphs 2 to 6 of the return are relevant here and quoted below: "2. The location was advertised on 11.10.1985 and interviews held by the then Oil Selection Board (West-I) (for short 'O.S.B. at Raipur on 24/25-5-1990. The O.S.B. vide their letter dated 25-5-1990 recommended the merit panel comprising three candidates and advised the answering respondents to return the Field Investigation Report on the empanelled candidates. 3. That based on the Field Investigation, the O.S.B. vide their letter dated 17-10-1990 recommended issuance of Letter of Intent (LOI) in favour of the petitioner.	

[पीछे देखिये

(46)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

4. That, meanwhile there was a letter from respondent no.1 bearing P-19012/297/90-IOC dated 14-9-1990 forwarding the copy of representation dated 30-7-1990 from Member of Parliament and advising the answering respondents not to issue LOI to the petitioner but instead submit a report on the subject matter. In fact, there was no complaint against the petitioner from the Hon'ble Member of Parliament but a kind of representation against the termination of the dealership of M/s.Janta Transport Co-operative Society.

5. That subsequently, the answering respondents vide letter dated 26-10-1990, 30-7-1994 and 10-8-1994 informed the respondent no.1 of the detailed background of decommissioning of the erstwhile retail outlet and inclusion of subject location in the year 1984-85 Marketing Plan sought an early permission for release of the LOI in favour of the petitioner.

6. That, the release of the subject LOI has been kept in abeyance in compliance with the letter dated 14-9-1990 (supra) of respondent no.1 with reference to a VIP query."

Copies have been supplied to counsel for the Union of India/respondent no.1. Inspite of the opportunity, respondent no.1 has not filed any return.

Counsel for the petitioner contended that without any rhyme and reason, the Letter of Intent (LOI) has been withheld. It is pointed out that the return filed by respondents no.2 & 3 does not show any impediment either factually or legally in issuing the Letter of Intent. Shri Vinay Harit, standing counsel for respondent No.1 and Shri Bhishm Kinger, counsel for respondents No.2 & 3 are

[पीछे देखिये

(47)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

not in a position to dispute this contention.

Shri Mishra further submits that the matter is pending since 1990 and it should be decided as early as possible without further delay.

Having considered the facts and circumstances, material on record and that the matter is pending since 1990 and nothing contrary mentioned in the return filed by respondents no.2 & 3 in the opinion of this Court ends of justice will be served if a direction is given to the respondents to do the needful as early as possible preferably within 3 months. Let it be done.

This petition is allowed subject to the above direction. No costs.

Consequently, M.W.P.No.780/2003, I.A.Nos.219/2003, I.A.2409/2003, I.A.11089/2003 & I.A.105/2004 stand disposed of.

C.C. as per rules.

Sd/-
Fakhruddin
Judge

/Rao/

[पीछे देखिये